

INVESTIGATIONS

INTRODUCTION

This document provides general information about investigations into alleged violations of universal precautions in dental facilities in Indiana.

This information is provided for educational purposes only. The Oral Health Program (OHP) at the Indiana State Department of Health (ISDH) cannot provide legal opinions on the interpretation of guidelines, laws, and rules and regulations. Dental professionals are responsible for understanding and applying these as they pertain to the practice of dentistry in Indiana.

INVESTIGATION PROCEDURES – General Information

The Indiana State Department of Health Oral Health Program (OHP) investigates *written* and *signed* complaints from persons alleging violations of universal precautions in dental facilities in Indiana.

An investigation by the OHP of a complaint alleging one or more violations of universal precautions in a dental facility in Indiana generally includes the following.

1. **Initial Notification:** The OHP communicates with the named dentist, or his or her supervising dentist or employer, informing him/her of the complaint.
2. **Initial Visit:** The OHP or agents of the ISDH conducts an unannounced initial on-site visit.
3. **Initial Report:** The OHP generates a report based on the findings of the initial on-site visit.
4. **Initial Findings:** The OHP communicates with the named dentist, or his or her supervising dentist or employer, informing him/her of the initial findings based on the initial on-site visit.
5. **Follow-Up Visit:** The OHP or agents of the ISDH *may* conduct an unannounced follow-up on-site visit.
6. **Follow-Up Report:** The OHP *may* generate a report based on the findings of a follow-up on-site visit.
7. **Outcome:** At any time during the above steps, the OHP may conclude the investigation, determine the outcome, and communicate this outcome with the named dentist or his or her supervising dentist or employer. The following is a list of possible outcomes.
 - a. **Emergency:** A complaint or on-site visit indicates an immediate threat to the public health and is referred to the ISDH Office of Legal Affairs (OLA) for immediate action.
 - b. **Complaint Dismissed:** A complaint is found to be without merit, or to not meet the guidelines for an investigation by the OHP, and the complaint is dismissed.
 - c. **Satisfactory Resolution:** A complaint is found to have merit but is satisfactorily resolved in a timely manner.
 - d. **Unsatisfactory Resolution:** A complaint is found to have merit and is not satisfactorily resolved in a timely manner and is referred to the ISDH Office of Legal Affairs (OLA) for review and any further action it may deem appropriate.

NOTE: If a *verbal* complaint indicates an immediate threat to the public health (an emergency), the Oral Health Director may refer the matter to the ISDH Office of Legal Affairs for immediate action. In this situation the OHP may simultaneously initiate an investigation, based solely on the verbal complaint, but a written and signed complaint must be submitted as soon as possible.

The ISDH **Office of Legal Affairs** may take one or more of the following actions:

1. Commence action for issuance of an order of compliance and civil penalty not to exceed one thousand dollars (\$1,000) per day, per violation;
2. Communicate with the named dentist or his or her supervising dentist or employer what further steps are needed to resolve the matter; and
3. Refer a documented and unresolved violation, or violations, to the Office of the Indiana Attorney General for enforcement, which may involve review and action by the Indiana State Board of Dentistry.